

## The Passaic River Boat Club

Founded 2006

[www.PassaicRiverBoatClub.com](http://www.PassaicRiverBoatClub.com)

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***Bringing Recreational Boating Back to the Passaic River***

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56 Hyde Road  
Bloomfield, NJ 07003

February 22, 2014

Judith Enck, Regional Administrator  
USEPA Region 2  
290 Broadway  
Mail Code 26<sup>th</sup> Floor  
New York, NY 10007-1866

RE: Passaic River Superfund Clean UP

Dear Administrator Enck:

I have attended meetings of the LPRRP for many years and when they were merged into the CAG I became an active participant. My primary interest is in the restoration of power boating to the Passaic River which includes the building of public docks and boat ramps. I carry a large jug of fresh water on my small boat to wash my hands if I happen to get them wet with river water and it's not the salt that worries me.

The Superfund discussion has been discussed and debated for too long. It's time for a decision as to the correct course of action needed to restore this river so that it is safe for boaters of any type over the long range. If you're going to do something, it should be done right the first time. Half way measures will result in future costs and loss of confidence in the organization making a bad decision.

Last summer we lost a good friend of the river, Ella Filippone of the Passaic River Coalition. She was a strong advocate for some meaningful resolution to this issue and not yet another "study" to be placed on a shelf with all the other studies that yielded no definitive action.

I know that the members of the EPA that attend the meetings are trying their best, but it's time for true leadership to come up with deadlines that are kept.

Kindly let me know what you plan to do to resolve this issue.

Sincerely

Harvey Morginstin, PE-Ret.  
Passaic River Boat Club, Secretary

2014 MAR -4 PM 3:24  
EPA REGION 2  
CORRESPONDENCE  
CONTROL OFFICE





## Hackensack RIVERKEEPER®, Inc.

**Captain Bill Sheehan**  
Riverkeeper & Executive Director  
231 Main Street  
Hackensack, NJ 07601

Phone: 201-968-0808  
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www.HackensackRiverkeeper.org

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February 25, 2014

Judith Enck  
Regional Administrator  
United States EPA, Region 2  
290 Broadway  
New York NY 10007-4575

Re: EPA must release the proposed plan and focused feasibility study for the lower 8 miles of the Passaic River immediately.

Dear Ms. Enck,

I appreciate the many efforts you have made in your service as regional administrator. One of the greatest outstanding issues is the clean up plan for the lower 8 miles of the Passaic River.

New Jerseyans have lived with the Passaic River pollution too long; the shameful actions of the polluters are well known, and the people who live along that river in Elizabeth, Bayonne, Newark, Jersey City, Harrison, Kearny, Belleville, North Arlington, Lyndhurst and Nutley deserve to have this matter settled at the absolute soonest date.

The amount of time that EPA has studied this issue without resolving it reflects poorly on the Agency and on the entire Superfund program. Because of the Passaic River Superfund delays, when I advocate for national priorities listing of other contaminated sites, my constituents understandably look at federal listing as an impediment to progress rather than impetus for progress. I have always thought this prejudice against Superfund to be misguided, but when EPA decides to re-reconsider the remedy, it adds fuel to that fire, it sends me out on a limb, and it makes the EPA look feckless. Please release the proposed plan and the focused feasibility study and release it now.

And please further know that a plan that leaves the dioxin on site, or buries it in Newark Bay, will be completed over my cold dead body.

Sincerely yours,

Capt. Bill Sheehan





American Friends Service Committee • American Littoral Society • Clean Ocean Action • Clean Water Action • Coalition for Healthy Ports • Environment New Jersey • Food and Water Watch • Greater Newark Conservancy • Greenfaith • Housing and Community Development Network of NJ • Hudson Riverkeeper • Ironbound Community Corporation • Ironbound Super Neighborhood Council • La Casa de Don Pedro • Metropolitan Waterfront Alliance • National Lawyers Guild of Rutgers School of Law Newark • National Resources Defense Council • Newark HUD Tenants Coalition • New Community Corporation • New Jersey Communities United • New Jersey Community Capital • New Jersey Highlands Coalition • New Labor • NJ Environmental Justice Alliance • New York City Environmental Justice Alliance • NY/NJ Baykeeper • SEIU 32BJ • Sierra Club NJ Chapter • Sisters of Charity • SPARK Friends of Riverbank Park • Teamsters Local 469 • The Trust for Public Land • New Jersey Work Environmental Council

May 7, 2014

Dear EPA Administrator McCarthy:

Please accept this letter from the over 30 signed organizations supporting the Environmental Protection Agency's proposed cleanup plan for the lower Passaic River.

In an effort to remediate the highly toxic Passaic River, on April 11<sup>th</sup>, the EPA released its Focused Feasibility Study and proposed cleanup plan for the lower eight miles of the River.

The EPA's preferred cleanup method consists of bank-to-bank dredging of 4.3 million cubic yards of the lower 8.3 miles of the River, with a two-foot cap and off-site disposal of contaminated sediment. This cleanup and disposal method will be beneficial with respect to long term effectiveness, will reduce toxicity, ecological impacts, and risk to human health. We believe this plan will result in a clean and healthy river.

This bank-to-bank cleanup will deliver environmental and economic benefits to the communities surrounding the River for generations to come.

We are eager to be a part of the solution that reclaims the Passaic River for our region. Together, we support EPA's proposed cleanup plan and call on the polluters to pay for a full clean up that OUR communities deserve and demand!

Thank you,.

Sincerely,

American Friends Service Committee, Amy Gottlieb  
American Littoral Society, Tim Dillingham  
Clean Ocean Action, Cindy Zipf, Executive Director  
Clean Water Action NJ, David Pringle, Campaign Director  
Coalition for Healthy Ports, Amy Goldsmith  
Environment New Jersey, Doug O'Malley  
Food and Water Watch, Jim Walsh  
Friends of Riverfront Park, Nancy Zak  
Greater Newark Conservatory, Robin Dougherty  
Greenfaith, Rev. Fletcher Harper  
Housing and Community Development Network of NJ, Staci Berger, President  
Hudson Riverkeeper Paul Gallay, President  
Ironbound Community Corporation, Joseph Della Fave  
Ironbound Super Neighborhood Council, Lenny Thomas  
La Casa de Don Pedro, Ray Ocasio  
Metropolitan Waterfront Alliance, Roland Lewis, President and CEO  
National Lawyers Guild of Rutgers School of Law Newark, Victor Monterrosa  
National Resources Defense Council, Lawrence Levine, Senior Attorney  
Newark HUD Tenants Coalition, Bill Good  
New Community Corporation, Richard Rohrman  
New Jersey Communities United, Trina Scordo  
New Jersey Community Capital, Wayne Meyer  
New Jersey Highlands Coalition, Julia Somers  
New Labor, Marien Casillas Pabellion  
New Jersey Environmental Justice Alliance, Dr. Nicky Sheats  
New York City Environmental Justice Alliance, Eddie Bautista  
NY/NJ Baykeeper, Debbie Mans, Executive Director  
SEIU 32BJ  
Sierra Club NJ Chapter, Jeff Tittel, Chapter Director, Dave Yennior, Barbara Conovor  
The Sisters of Charity  
SPARK, Nancy Zak  
Teamsters Local 469, Christina Montorio  
The Trust for Public Land, Marc Matsil, New York State Director and Anthony Cucchi, State Director NJ and PA  
New Jersey Work Environmental Council, Rick Engler



**United States Senator Robert Menendez  
New Jersey  
For Immediate Release  
April 11, 2014**

**Contacts:**

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(973) 297-4917

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**Menendez, Booker, Frelinghuysen, Pascrell, Sires, Payne Statement  
on EPA Passaic River Cleanup**

(NEWARK, NJ) – U.S. Senators Robert Menendez and Cory Booker (both D-NJ), and Congressmen Rodney Frelinghuysen (NJ-11), Bill Pascrell, Jr. (NJ-09), Albio Sires (NJ-08) and Donald Payne, Jr. (NJ-10) released the following bipartisan statement on today's Environmental Protection Agency (EPA) announcement to clean up the contaminated Passaic River:

"Today marks a milestone in our efforts to clean up the Lower Passaic River and the contamination that was left behind when, for decades, Diamond Alkali and other companies manufactured pesticides and herbicides, including chemicals that made 'Agent Orange'. Work towards the cleanup of this Superfund site began in 1984, when the EPA first added the site to the Superfund National Priorities List. It's been a long road, but this community has persevered.

"The EPA's \$1.7 billion proposed cleanup of the lower eight-mile stretch of the Passaic represents one of the largest ever in the Superfund program—which is designed to hold polluters, not taxpayers, responsible for the cost—and is nearly twice the size of the ongoing Hudson River cleanup project. In addition, the project is expected to generate hundreds of local jobs.

"This is a great first step to ensuring the Passaic is restored in order to protect neighboring families and children and the river itself. We have no greater responsibility than the health and safety of the community and no greater duty than keeping our air and water safe and clean."

###





## PRESS RELEASE

April 11, 2014

Contact: Sandra Meola, Communications and Outreach Associate  
NY/NJ Baykeeper  
(o) 732-888-9870 ext 7  
(m) 201-336-4647  
[Sandra@nynjbaykeeper.org](mailto:Sandra@nynjbaykeeper.org)

### ***EPA Releases Proposed Passaic River Superfund Initiative Cleanup Plan***

A Complete Bank to Bank Cleanup of the Lower 8 Miles is Expected to Benefit Communities and Create Jobs

The Environmental Protection Agency issued the long awaited Focused Feasibility Study (FFS) today detailing a proposed cleanup of the lower eight miles of the Passaic River Superfund site. The proposal details a complete bank-to-bank cleanup with off-site disposal of contaminants. Communities along the site include Newark, Harrison, East Newark and Kearny.

Members of the Passaic River Community Advisory Group (CAG), including the NY/NJ Baykeeper and the Ironbound Community Corporation (ICC) support EPA's proposal and urge local and state officials to support the cleanup plan as well.

Joe Della Fave, Executive Director of ICC, said, "For decades, the people of Newark and the communities along the Passaic have waited for the return of a healthy river. With a new Riverfront Park, Newarkers have greater access to the river than ever before, yet the river remains polluted. The comprehensive cleanup of the Passaic must begin immediately and this should be funded by the parties responsible for its demise. We fully support the EPA cleanup plan. For the sake of Newark's revitalization, the environmental justice due to our community, and for all life along the river, we want a total cleanup now."

Debbie Mans, Executive Director of NY/NJ Baykeeper said, "A comprehensive cleanup will benefit all of the communities along the lower Passaic River and create 600-700 jobs a year over several years. These communities deserve the same level of cleanup as the communities along the Hudson River, especially considering the many environmental and public health burdens already present in these neighborhoods, including off-site disposal. We cannot simply bury this highly-toxic material in multiple pits in Newark Bay and hope for the best."

The Cooperating Parties Group (CPG) represents the numerous polluting companies that have taken advantage of the River for decades. CPG has been lobbying local and



federal politicians and EPA for a further delay of the cleanup process as well as a weaker cleanup.

“The 70 companies that make up the “Cooperating Parties Group” have financially benefited by not properly disposing of their toxics – instead, using the Passaic River as a dumping ground. It is time for the polluters to stop paying their lobbyists and lawyers and start paying for a cleanup of the River. We deserve to have the River returned to us from the polluters,” Mans said.

The Passaic River Diamond Alkali site was first declared a Superfund site in 1984. For over 30 years various companies dumped dioxin (a by-product of Agent Orange), PCBs, mercury, and DDT into the River posing serious human health risks. The entire region has been under a fish consumption advisory due to years of contamination. As an environmental justice community, Newark has been denied full access of the River due to the actions of unethical polluters.

#### About NY/NJ Baykeeper

NY/NJ Baykeeper is the citizen guardian of the Hudson-Raritan Estuary. Founded in 1989, Baykeeper’s mission is to protect, preserve, and restore the environment of one of the most urban estuaries on Earth - benefiting its natural and human communities. Through Estuary-wide programs Baykeeper seeks to end pollution, improve public access, conserve and restore public lands, restore aquatic habitats, encourage appropriate and discourage inappropriate development, carry out public education, and work with federal and NY/NJ state regulators and citizen groups as partners in planning for a sustainable future.

#### About Ironbound Community Corporation (ICC)

ICC has been serving Newark’s Ironbound community since 1969. The Ironbound is a multi-ethnic, largely working class neighborhood facing challenges including environmental degradation, air pollution, overcrowded schools, limited affordable housing and conditions of poverty. ICC’s mission is to engage and empower individuals, families, and groups in realizing their aspirations and together, work to create a just, vibrant and sustainable community. ICC’s programs, serve nearly 1,000 people daily, include 0-5 early childhood care and education, children after school and summer programs, family services, adult education, senior citizen services, and community advocacy including environmental justice, organizing, planning and development programs.

###



February 7, 2014

Judith Enck, Regional Administrator  
USEPA REGION 2  
290 Broadway  
Mail Code: 26TH FL  
New York, NY 10007-1866

RE: Passaic River Superfund Clean up

Dear Administrator Enck,

This year marks the thirtieth anniversary of the Diamond Alkali designation as a Superfund site. For nearly three decades, the residents of New Jersey have suffered from the stigma of a polluted river, been denied the full use and enjoyment of the river and continue to be exposed to the serious risks resulting from dioxin contamination in the river. After years of serving on the Passaic River Community Advisory Group (CAG) and more than 25 years worth of studies, research and modeling, **we demand the immediate release of the Focused Feasibility Study (FFS) and the Proposed Plan.**

For months, USEPA representatives have discussed the impending release of the FFS. We submitted extensive comments to the National Remedy Review Board (NRRB) in June of 2013 detailing our clear preferences for a *bank to bank clean up with off-site disposal* – not a CAD or thermal treatment options or hot spot removal – but a full clean up similar to what was decided on for the Hudson River and the Gowanus Canal. Our communities should not be treated like second class citizens in the Superfund process. Newark has suffered long enough as an Environmental Justice community from toxic pollution and we will not tolerate any further dumping in our backyards whether it's in the bay or on land. We know that the NRRB considered all the comments and already weighed in with their feedback on the FFS. At the last few CAG meetings, EPA staff have assured CAG members and residents that the NRRB comments were taken into consideration and the FFS was ready and due to be released shortly. At our January CAG meeting, we were told that January 30<sup>th</sup> was a possible release date and our committees met and worked hard to prepare for what we anticipated would be public hearings and outreach efforts related to the release of the FFS. We now have an indefinite delay in the release of the FFS and Proposed Plan. What is the point of having a Superfund-authorized CAG that meets on a monthly basis, only to have our voices shut out when it comes to any actual decision making?

What's most alarming is our understanding that the Cooperating Parties Group (CPG) has been conducting extensive lobbying at USEPA's Headquarters in recent weeks, meeting with US EPA representatives to try and continue the decades long delay of a cleanup process. Our communities should not have to wait on the sidelines any longer while polluters responsible for this clean up attempt to exert their significant financial and political resources to delay or impede a transparent and public discussion of the FFS.

There are 70 companies in the CPG, many of them Fortune 500 companies who will be spreading out the cost of the cleanup among themselves, over several years. These same companies financially benefited by not properly disposing of their waste over many, many years - dumping it right into the Passaic River. Yes, this will be a costly cleanup, but the cost of doing nothing less than a full cleanup is even higher - to public health, the environment and the economies of these river communities. **Enough is enough -- When will your agency will finally take ACTION and release the FFS?**

We respectfully request a meeting with you and US EPA Administrator Gina McCarthy to discuss these concerns at your earliest convenience.

Sincerely,

Ana I. Baptista, Ph.D.  
Co-Chair Passaic River CAG

Debbie Mans, Esq.  
Co-Chair Passaic River CAG

Cc  
Senator Cory Booker  
Senator Robert Menendez  
Congressman Bill Pascrell  
Congressman Donald Payne  
Congressman Albio Sires  
Walter Mugden, USEPA, Director, Emergency and Remedial Response Division



# NY/NJ BAYKEEPER®

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www.nynjbaykeeper.org • email: mail@nynjbaykeeper.org

December 22, 2009

Regional Administrator Judith Enck  
USEPA, Region 2  
290 Broadway  
New York, NY 10007-1866

Enck (w/enc.)  
Paula  
cc: Enck  
Finazzo

Dear Regional Administrator Enck:

Thank you for taking time out of your busy schedule to stop by our Lower Passaic River Community Advisory Group (CAG) planning meeting on December 21, 2009. Your staff has been such a great assistance to us as we launch the CAG and I wanted to thank you for their time and expertise.

I would like to reiterate our invitation to you to attend an upcoming monthly CAG meeting. We realize your schedule fills quickly, but our next few meetings are January 14, 2010; February 11, 2010; and March 11, 2010. All our meetings take place in Newark at 6pm.

Enclosed please find some Baykeeper materials on our recent work to protect, preserve and restore the Hudson-Raritan Estuary. We look forward to working with you on our shared goal of fishable and swimmable waters for our communities.

Best regards,

Deborah A. Mans

Deborah A. Mans  
Baykeeper and Executive Director

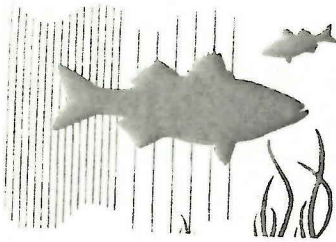
2009 DEC 30 AM 11:07  
EPA REGION 2  
CORRESPONDENCE  
CONTROL OFFICE



Member of the  
Waterkeeper Alliance







ACTION

PASSAIC RIVER COALITION  
at Willow Hall

330 Speedwell Avenue, Morristown, NJ 07960

Phone: (973) 532-9830

Fax: (973) 889-9172

February 4, 2010

Hon. Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway  
New York, New York 10007-1866

Dear Ms. Enck:

Re: Land Preservation

When we met recently, I was so pleased to find that you and I had so much in common as it relates to environmental values and strategies. I know that we will be able to collaborate in many ways, and I hope you will take advantage of my offer to assist you.

When you said that "preserving land is the best way to prevent pollution," I said to myself "that's what I've been saying for years." It is why we have preserved over 1,000 acres in the most populated part of the United States --- northern New Jersey.

Enclosed is a list of our properties and a map of the Passaic River Watershed showing them. Also enclosed is a list of future acquisitions, for which we are seeking financial assistance. Should natural resource damage funds on the federal level be available, we would appreciate having them directed toward our Land Trust. Your assistance in this regard would be very much appreciated.

If and when you need additional information or data, please give me a 'phone call.

Best regards,

Sincerely yours,

Ella F. Filippone  
Executive Director

EFF/e  
Enc.

CONTROL OFFICE  
CORRESPONDENCE  
EPA REGION 2

2010 FEB -9 PM 4:52

Enck  
Willow  
Haven  
cc: Frazz/ack  
A signature  
depose me  
2/24/2010

## PRC Properties Owned

Property Name	Municipality	County	Acreage	Reason Purchased
Bat Cave	Rockaway Township	Morris	2	Protect Habitat
Butler Forest Preserve	Butler	Morris	12	Highlands
Butler Raceway	Butler	Morris	3	On Pequannock River Trib
Central Valley Wetlands – Florham Park	Florham Park	Morris	35	Protect Wetlands
Cynthia's Landing	Denville	Morris	9	Protect Wetlands
Farley Road Easement	Millburn	Essex	<1	Park Environment
Federal Hill	Bloomingtondale	Passaic	35	Highlands
Hickory Road	Ringwood	Passaic	6	Highlands
Highlands Meadow	Ringwood	Passaic	17	Highlands
Hope Forest Reserve	West Milford	Passaic	10	Highlands
King George Road Wetlands Preserve	Bernards Township	Somerset	83	Wetlands
Landau Wildlife Sanctuary	Chatham Township	Morris	4	On Passaic River
Long Hill Wetlands 1	Long Hill	Morris	<1	On River
Long Hill Wetlands 2	Long Hills	Morris	6	On River
Long Hill Wetlands 3	Long Hill	Morris	1	On River
Lyndhurst Greenway 1	Lyndhurst	Bergen	1	On River
Lyndhurst Greenway 2	Lyndhurst	Bergen	<1	On River
Lyndhurst Greenway 3	Lyndhurst	Bergen	<1	On River
Lyndhurst Greenway 4	Lyndhurst	Bergen	<1	On River
Mahwah River	Mahwah	Bergen	1	On Mahwah River Trib
Morsetown Brook Wetland Preserve	West Milford	Passaic	10	Highlands

<b>Property Name</b>	<b>Municipality</b>	<b>County</b>	<b>Acreage</b>	<b>Reason Purchased</b>
Pine Island	West Milford	Passaic	7	Protect Lake
River Road Acres 1	Chatham Township	Morris	8	On River
River Road Acres 2	Chatham Township	Morris	6	On River
River Road Easement	Chatham Township	Morris	5	
Russia Brook Sanctuary	Hardyston, Sparta	Sussex	208	Highlands
Russia Brook Sanctuary 2	Jefferson	Morris	161	Highlands
Stony Brook Forest	Butler	Morris	7	Highlands
Tory Rocks	Ringwood	Passaic	302	Highlands
Troy Meadows Wetland	East Hanover (?)	Morris	13	Wetlands
Twin Brooks	Ringwood	Morris	19	Highlands
Wanaque Ridge	Wanaque	Passaic	42	Highlands
Warren Riverside	Warren	Somerset	25	On River.
Waterview	Ringwood	Passaic	68	Highlands
Willow Hall	Morristown	Morris	6	Headquarters

**Passaic River Coalition**  
**Land Trust Potential Acquisition Projects**  
Updated February 2009

<b>Project Name</b>	<b>Municipality</b>	<b>County</b>	<b>Acres</b>	<b>Purchase Price</b>	<b>Anticipated Closing</b>
Pondersosa I	Ringwood	Passaic	51	\$635,000	2010
Ponderosa II	West Milford	Passaic	16	\$700,000	2011
Hearle 3	Ringwood	Passaic	3	\$249,000	2011
Decker	Bloomingdale	Passaic	8	\$348,500	2010
Levin, Allendale & Grimaldi	Allendale	Bergen	22	\$322,000	2010
Malaney	West Milford	Passaic	3	\$70,498	2010
Gonzales	Bloomingdale	Passaic	45	\$1,300,000	2012
Wieser	West Milford	Passaic	17	\$300,000	2011
Stanford	West Milford	Passaic	220	\$2,500,000	2010
Hearle 4	West Milford	Passaic	2	\$400,000	2012

Note: Soft costs for property acquisition average \$20,000 per property. Soft costs include: survey, environmental assessment, appraisal(s), title search and insurance.

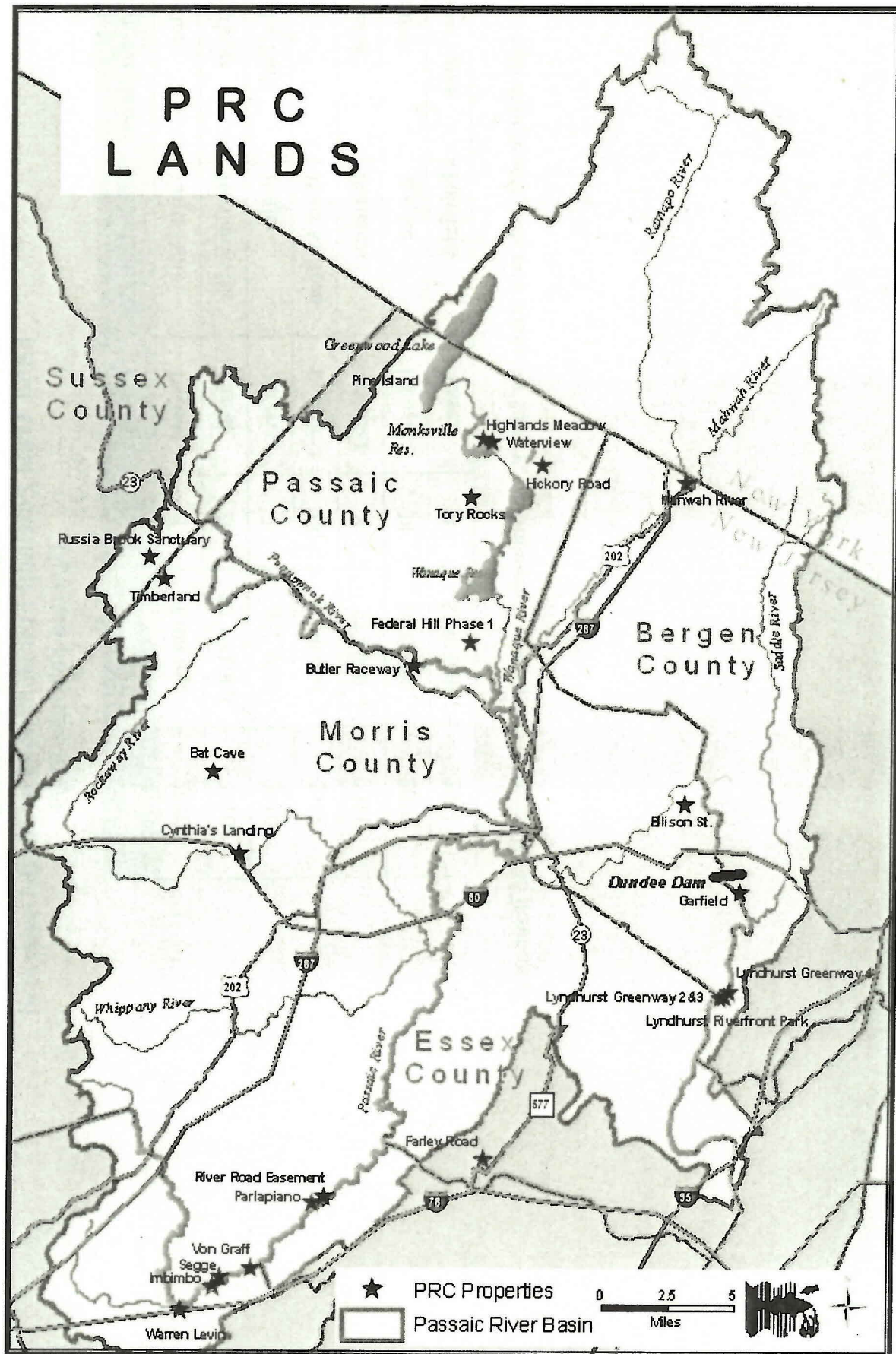
**Passaic River Coalition**  
**Land Trust Potential Full Donations or NRD-Generated**  
Updated February 2009

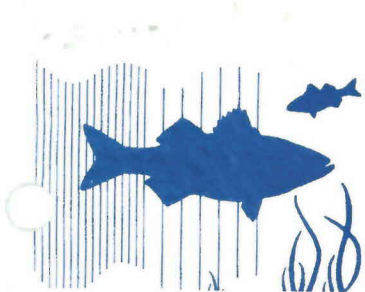
<b>Project Name</b>	<b>Municipality</b>	<b>County</b>	<b>Acres</b>	<b>Potential Value</b>	<b>Anticipated Closing</b>
Taylor	Little Falls	Passaic	1	\$300,000	2010
Bearlepp	Bernardsville	Passaic	20	\$2,100,000	2010
Butler Park	Butler	Morris	3	\$35,000	2010
Notte	West Milford	Passaic	28	\$350,000	2011
Bojczuk	Bernards	Somerset	8	\$32,000	2011
Parahus	Wayne	Passaic	28	\$600,000	2011
Rotter Farm	Fairfield	Essex	4	\$250,000	2011

Note: Still require soft costs potentially for survey, environmental assessment, title search and insurance.



# PRC LANDS





**ACTION**

# PASSAIC RIVER COALITION

at Willow Hall

330 Speedwell Avenue, Morristown, NJ 07960

Phone: (973) 532-9830

Fax: (973) 889-9172

December 14, 2009

Hon. Judith Enck  
Administrator, Region 2  
U.S. Environmental Protection Agency  
290 Broadway  
New York, New York 10007-1866

Dear Ms. Enck:

Re: Appointment for a Meeting

On December 8th, the Passaic River Coalition (PRC), an urban watershed association, celebrated its 40th anniversary. The time has gone quickly and changes are noticeable. In 1969, the Passaic River was considered one of the most polluted in the United States. While the river still has many serious problems, the upper stretch's wastewater plants have upgraded significantly. However, nutrients are a major issue. In the lower valley, the dioxin contaminated sediments pose the major challenge. We currently have the Technical Advisory Grant (TAG) for the river and Newark Bay. I would like to discuss this project with you so that we may move forward in an expeditious manner.

As additional background for you, the PRC was one of the first organizations in the 1970's to receive a grant to hold seminars on the Federal Water Pollution Control Act of 1972 from Region 2. We also petitioned EPA in 1980 for the Buried Valley Aquifer Systems of the Central Passaic River Basin to be designated as a "sole source" aquifer under the Safe Drinking Water Act. Our relationship with Region 2 has always been a positive and productive one over all these years.

Recently, with the financial assistance of the New Jersey Green Acres Program and the Morris County Historic Trust and Open Space Program, we purchased historic Willow Hall, the former home of George Vail, who financed the invention of the telegraph, in Morristown, New Jersey. This fine structure will allow us to expand our programs and hold events in the building and on the grounds. It will allow us to undertake special studies, as Speedwell Lake is located by the property. Under our summer internship program, we began an inventory of the fauna on the property, catching a red fox with our night-time camera --- an exciting event. We will be submitting a proposal to expand our internship program under the Environmental Education Act. I'd also like to discuss this project with you.

Enck  
Taylor  
cc: Hickey/Action  
Bellan  
Maydan  
Enck  
replied  
12/29/09  
JH



Jan. 14, 2010  
@ 11:00 AM

Overall, we are anxious to meet you to continue the relationship we have enjoyed over these 40 years with Region 2, and plan how we might assist you with the challenges that lie ahead. Please have your appointment person call me to arrange a date. Thank you for your consideration.

Very truly yours,



Ella F. Filippone  
Executive Director

EFF/e  
c: Kluesner

2009 DEC 21 AM 9:05  
EPA REGION 2  
CORRESPONDENCE  
CONTROL OFFICE

Early Feb  
CAL in March



ACTION

Gerald R. Savin  
97 West 215 Street  
Bayonne, New Jersey  
07002

December 7, 2009

Administrator  
Region II  
United States Environmental  
Protection Agency:

**Enoch**  
Savol  
cc: Miladon  
Director  
Responsible  
1/4/2009

Kindly, provide a definitive time line  
for the already long-delayed decontamina-  
tion of Newark Bay and adjoining Killuan  
Kill strait and the major source of the  
pollutants, the Passaic River, and, thus,  
return the use of the waterways to  
the citizens of Bayonne and beyond.

The imposed State of New Jersey closure  
of the Newark Bay and Killuan Kill to  
crab fishing, has had a significant  
environmental, economic and recrea-  
tional impact on Bayonne.

Additionally, and importantly, any  
Region II, USEPA scheme to utilize the  
Newark Bay as a dump/depository for 160,000  
cubic yards of contaminated materials,  
shall REMAIN absolutely and uncondi-  
tionally opposed in the most strenuous terms.

Sincerely,  
Gerald R. Savin

2009 DEC 17 PM 12:22  
EPA REGION 2  
CORRESPONDENCE  
CONTROL OFFICE





COPY FOR YOUR  
INFORMATION

## Correspondence Management System

Control Number: AX-11-001-9455

Printing Date: November 18, 2011 01:05:35



Encl  
Paula  
Plewn

cc: Frazzo  
Filippelli  
Bella  
Hickey

### Citizen Information

Citizen/Originator: Filippone, Ella

Organization: Passaic River Coalition

Address: N/A

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

### Control Information

Control Number: AX-11-001-9455

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Nov 16, 2011

Received Date: Nov 18, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Request

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Maureen Hickey - R2-ORA

R2-DEPP - Division of Environmental Planning and Protection

R2-PAD - Public Affairs Division

### Lead Information

Lead Author: N/A

#### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

### Supporting Information

Supporting Author: N/A

#### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	R2	Nov 18, 2011

### History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to R2	Nov 18, 2011

### Comments



# Correspondence Management System

Control Number: AX-11-001-9455

Printing Date: November 18, 2011 01:05:35



Commentator	Comment	Date
No Record Found.		

REC'D

2011 NOV 18 AM 8:21

OFFICE OF THE  
EXECUTIVE SECRETARY

Message Information

Date 11/16/2011 05:33 PM  
From PRCWater@aol.com  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject Re: Request

Message Body

Lisa:

I had a meeting with both Judith and Lisa Plevin recently during a conference run by EPA Region II at Rutgers. It was clear to me that neither had recently been briefed on the efforts of Cement Lock with the consultant to Region II or to staff. Judith has always indicated to me that she is looking for technological fixes, but only this one has been moving along. I'm attaching a memo which I wanted to get to you when I was in Washington this week. We are currently working on a white paper under the TAG grant. I will send that to you when it is complete, as it focuses on all of the alternatives under consideration. If EPA can accept this process, it has far reaching consequences for contaminated sites nationwide. It is worth an hour or so of your time. If you have any questions or want more information, please let me know.

Ella Filippone

In a message dated 11/14/2011 5:38:40 P.M. Eastern Standard Time, Jackson.LisaP@epamail.epa.gov writes:

Hi, Ella,

I'm in Wisconsin today until late tomorrow night. Have you personally reached out to Judith Enck or Lisa Plevin?

Lisa

From: PRCWater@aol.com  
To: LisaP Jackson/DC/USEPA/US@EPA  
Date: 11/11/2011 08:33 PM  
Subject: Request

Lisa:

I hope this reaches you. I have called a few times, and could not get through. You are well guarded.

I will be in Washington for the NACEPT meeting on Monday and Tuesday. Is there any chance of spending a few minutes with you. We need your help on the Lower Passaic and on the Pompton Lakes projects.

We are staying at the Hyatt in Arlington.

Ella

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**OEX Processing Information**

Processed Date:

Processed By

PO Office

Category:

Message Count

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## Hackensack RIVERKEEPER®, Inc.

**Captain Bill Sheehan**  
Riverkeeper & Executive Director  
231 Main Street  
Hackensack, NJ 07601

COPY FOR YOUR  
INFORMATION

Phone: 201-968-0808  
Fax: 201-968-0336  
info@HackensackRiverkeeper.org  
www.HackensackRiverkeeper.org

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March 7, 2011

Judith A. Enck  
Region 2 Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007-1866

RE: Lower Passaic River Stakeholder Meeting

Dear Regional Administrator Enck:

Thank you for hosting and attending the Lower Passaic River Stakeholder Meeting on February 8<sup>th</sup>. I appreciate your dedication to the issue - I think it extremely important that the highest levels of EPA understand the stakes for the Diamond Shamrock cleanup and I welcome your involvement as a positive force in New Jersey's environmental community.

In your introduction, I recall you saying that there were no clear solutions and no perfect alternatives. While no outcome can be described as perfect that stems from the wanton, intentional and criminal destruction of the Passaic River and the endangerment of its surrounding populace, I feel that of the alternatives presented, full dredge and offsite disposal are clearly the best.

Hackensack Riverkeeper strongly believes that the combination of the deep dredge and offsite disposal alternatives represent the best response available. I feel these alternatives have no serious drawbacks when compared to the other alternatives. Only the full dredge will safely and permanently remove the hazardous sediments from the river, and only the offsite disposal alternative will dispose of them safely and sensibly.

Enck  
Pavlov  
Plevin  
cc: Mugdan  
Bellevue

Any offsite facility will be federally regulated to the highest standard, and would safely remove the hazardous materials from a major population center, rendering them far less bioavailable. That said, I don't understand why there would be no maintenance for the clean sand backfill in the full dredge alternative. Would backfill not become recontaminated to some degree from up- and downstream-contaminated sediments?

The other alternatives would be unacceptable to us.

We oppose capping and dredging, and believe it to be a strictly inferior remedy to full dredge removal. Foundationally, I think it unfair to ask the affected community to continue to sit atop buried contaminated sediments. Nor would a cap permanently deal with the problem. I don't see how a sand cap in a tidal river could last even a brief time. Given that the Passaic is an important navigable river, navigational dredging would seem to present problems in perpetuity. The cap and dredge alternative would demand eternal maintenance of the cap, with eternal risks, impacts and costs.

We also implacably oppose any alternative that would bury hazardous materials in Newark Bay, whether in a CAD or a CDF. You opened discussion citing strong desire to avoid unintended consequences. I feel that a CAD would result in innumerable such consequences. I believe that it is not a good idea to bury a superfund site in a superfund site. I acknowledge that responsible parties remediate many superfund sites by burying wastes on site, but Newark Bay has seen no remediation. EPA would be burying hazardous waste in hazardous waste. There may be precedent for that, but I am unaware of it.

The presentation attempted to quantify the resuspension impacts of dredging, but claimed the resuspension impacts of a CAD are unknown. I don't see how lowering sediment through the water column into the CAD would result in any less resuspension impact than hydraulic dredging; Dioxins bind to fine silts, most at risk for resuspension and are more dangerous than previous CAD disposed sediments.

As opposed to carefully selected and monitored land-based disposal, burying hazardous waste in a tidal estuary, under moving, shallow water near a major population center strikes us as improvident. Over time, sediments move, and I fear that after a series of major storms – especially as sea levels rise and storm intensity increases – residents of Newark, Jersey City, Kearny and Bayonne will be exposed to those hazardous wastes anew. I note that EPA has already eliminated CAD sites from consideration that are too close to residential areas in Bayonne, but if the CAD is as safe as advertised, why is it not safe for those areas? I conclude it is simply not as safe as advertised.

From the materials presented at the meeting, it appears that EPA calculates that CAD disposal has half the cost of on-land disposal. All things being equal, working under water is *always* more expensive. The price disparity makes me think that all things will not be equal and indicates how shoddy the control mechanisms are relative to a real RCRA facility. At the Stakeholder Meeting, Tim Kubiak, USFWS, characterizes CAD disposal as the cleanup's most difficult challenge, one that can't get within two orders of magnitude of standards for dioxins or PCBs. I believe that there is no basis in law or policy to settle for looser disposal standards simply because the chosen site happens to be underwater.

The impact from a CAD would be enormous. The dredging remedy would produce a huge amount of sediment and would require a huge amount of area for CAD disposal – 11,000,000 y<sup>3</sup> is 667' x 667' x 667'. Given an 80' depth (which seems unreasonably generous) the CAD would require 826.5 Acres, or 2,000' x 2,000' x 80'. This alternative would make for open exposure of dioxin-ridden sediment for 7 years. While CADs would continually open and close, some portion of that waste would be exposed throughout the project and much of it would be exposed for long periods of time.

Worse, a CAD in Newark Bay would establish precedent for burying other hazardous waste in Newark Bay – it's a bad idea to bury existing hazardous waste in a heavily populated Environmental Justice community, but a worse idea to import huge

additional quantities from sites like Newtown Creek, the Gowanus Canal or other sites within the Diamond Shamrock Superfund Site.

A CAD seems to us to unnecessarily ignore several applicable or relevant and appropriate requirements (ARAR). Section 121(d) CERCLA requires “that on-site remedial actions attain or waive Federal environmental ARARs, or more stringent State environmental ARARs, upon completion of the remedial action.”<sup>1</sup> Newark Bay is an important habitat for ground fish habitat. If disruption of this habitat extends beyond one year, it is effectively permanent. I don’t understand how a CAD could be RCRA legal.

We are greatly concerned that CAD disposal of sediments will adversely affect essential fish habitat. The Magnuson-Stevens Act requires federal agencies to consult with the NOAA Fisheries Service on all proposed actions, permitted, funded, or undertaken by the agency that may adversely affect essential fish habitat. Adversely affect means any impact that reduces the quality and/or quantity of the habitat, including direct (e.g., contamination; physical disruption), indirect (e.g., loss of prey), site-specific or habitat-wide impacts, including individual, cumulative or synergistic consequences of actions.

Creation of CADs or CDFs in Newark Bay would directly adversely affect essential fish habitat. According to the Army Corps of Engineers Newark Bay Essential Fish Habitat Assessment, Newark Bay provides essential fish habitat for red hake, winter flounder, windowpane flounder, Atlantic sea herring, bluefish, Atlantic butterfish, Atlantic Mackerel, summer flounder, scup, black sea bass, king/Spanish mackerel, clearnose skate, little skate, and winter skate. EPA must avoid violating ARARs if practical alternative exists, and under the Magnuson-Stevens Act, EPA must propose measures for avoiding, mitigating, or offsetting the impact of the activity on essential fish habitat. Disposal of hazardous materials in Newark Bay is inappropriate because practical alternatives *do* exist; Indeed, EPA has already proposed two – local decontamination and off-site disposal.

---

<sup>1</sup> <http://www.epa.gov/superfund/policy/remedy/sfremedy/arars.htm>


That said, Hackensack Riverkeeper opposes local decontamination. I believe it is unfair to a community already beset by toxic ground water and air pollution, I think that the technology insufficient to fully decontaminate the sediment and I think that the processing is incapable of dealing with the quantities of sediment in question as demonstrated throughput is very low. I can imagine how thermal treatment of organic chlorides and hydrocarbons *could* work (though we've seen no evidence that it works in practice), but I know of no way short of nuclear fission to make heavy metals into anything other than heavy metals.

Experts at the meeting agreed that heavy metals in the sediment are an outstanding problem for local decontamination. Some metals may melt and sink into the ash, but then they'd be included in the end product, making it inappropriate for beneficial reuse. Mercury would apparently vaporize and go out the smokestack, affecting residents, and much of it likely returning to the river. Building another incinerator and another source of mercury contamination in Newark is something I implacably oppose.

Even if the metal question were somehow resolved, local decontamination would unjustifiably burden an environmental justice community. The decontamination process would apparently add a second massive incinerator in or near the Ironbound section of Newark. The Covanta Incinerator already burns more than a million tons of trash per year; a second incinerator would mean more particulate pollution and more human health impacts.

Hackensack Riverkeeper believes that any solution for the lower 8-mile section should be part of a solution for the 17 mile and Newark Bay sites. If EPA is doing cost balance without calculating efficiency benefits for the remainder of the site, it will be overestimating costs relative to benefits. For example, an offsite disposal facility could potentially house sediments from the other portions of the cleanup, making them less expensive; a train line to the offsite facility could minimize air impacts for all three projects and its cost could be spread over all three balance sheets.

In summation, I do again sincerely thank you for your personal attention to this matter. I believe that the EPA's goal should be clear – returning the Passaic River to the People of New Jersey, from whom it has too long been taken. To that end, the only appropriate response is to remove the maximum possible contamination and dispose of it safely and securely in a RCRA regulated hazardous waste disposal facility.

Sincerely,  
  
Bill Sheehan  
Hackensack Riverkeeper

R-9 AM 5:11  
A REGION 2  
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